

BILL NO. 6518.1

ORDINANCE NO. 6394

AN ORDINANCE REVISING CHAPTER 210 (ANIMAL REGULATIONS) OF TITLE II (LAND USE) OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON, MISSOURI, GENERAL ANIMAL, LIVESTOCK, BIRDS AND DOMESTIC FOWL REGULATIONS, SECTION 210.260 OF THE MUNICIPAL CODE OF CLAYTON AND OTHER ACTIONS RELATED THERETO

WHEREAS, the City of Clayton allows the possession of domestic fowl for the general public for non-commercial purposes; and

WHEREAS, raising Domestic Fowl is an extension of an urban farming movement that has gained popularity nationwide; and

WHEREAS, home-raised agriculture avoids the energy usage and carbon emissions typically associated with transporting food and is also inspired by the expanding movement to buy locally produced food and is leading urban municipalities to allow domestic fowl with regulations to harmonize the compatibility of small scale agricultural uses located in dense urban environments; and

WHEREAS, on September 24, 2013, the Board of Aldermen amended the Domestic Fowl Regulations; and

WHEREAS, on September 8, 2015 and October 13, 2015, after due notice as provided by law, the Board of Aldermen held a public hearing for the purpose of receiving public comment on the question of the adoption of the provisions hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1.

Chapter 210 (Animal Regulations) of Title II (Public Health, Safety and Welfare), Article II (General Animal, Livestock, Birds and Domestic Fowl Regulations), Section 210.260 of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended as follows:

SECTION 210.260: POSSESSION OF DOMESTIC FOWL

A. Limitations on Keeping Domestic Fowl. It shall be unlawful for a person, other than a veterinary hospital or pet shop, to keep domestic geese, ducks, chickens or turkeys ("domestic fowl") within the City for commercial or resale purposes. It shall be unlawful for a person to keep more than ten (10) domestic fowl as pets or for domestic egg production. No crowing hens or adult male chickens may be kept. Domestic fowl kept as pets or for domestic egg production must be adequately confined within the private property boundaries of the owner's yard sufficient to prevent their escape. Any person desiring to keep domestic fowl may do so only upon obtaining a permit for same from the City.

B. *Permit Required.* No person may keep upon his premises any domestic fowl except as provided in this Section.

1. Any person desiring to keep any domestic fowl within the City shall file with the City's Planning and Development Services Department a written application for a permit, accompanied by a nonrefundable application fee in the amount of fifty dollars (\$50.00).

2. Permits granted under this section may not be transferred to a new owner.

3. Approval of the permit will be granted upon successful completion of an inspection(s). If multiple inspections are required, an additional fee of \$35.00 per inspection shall be charged. Each permit shall be for a term of three (3) years from the date thereof, unless sooner revoked as provided herein. A successive permit for an additional period of three (3) years may be issued through the same procedures for an initial application.

4. Notwithstanding any provision herein to the contrary, each property harboring domestic fowl which exists before the effective date of this Section on September 24, 2013, shall comply with the provision of this Section and obtain a permit within one hundred twenty (120) days after the effective date of this Section. Existing permit holders shall comply with amendments to this section within 60 days of the effective date (October 13, 2015) of the amendment(s) with the following exception:

a. Pursuant to Section 210.260. (A). any existing permit holder who houses more than 10 domestic fowl on their property may keep the same number of fowl, but may not replace any fowl that expires or that is otherwise permanently removed from their property, until the limit of 10 is reached.

C. *Permit Criteria and Performance Standards.* A permit may be issued if all of the following conditions are satisfied:

1. Domestic fowl may be kept for purely domestic purposes only. No animals or eggs may be sold to any person not a resident of the premises where kept.

2. The domestic fowl shall be safely and securely confined within an enclosed area containing a coop. The coop must have a hard roof, and the coop and enclosed area must be completely secured from predators. No more than one (1) coop is allowed per permitted parcel. The domestic fowl shall not be permitted to run at large in or upon the public streets, open lots or private properties of the City, other than that of the owner.

3. The appearance of the coop and enclosure, and the materials used to construct coop and enclosure shall resemble backyard coops which are sold in the commercial marketplace the coop and enclosed area shall appear professional in design and workmanship. It shall be constructed with proportional dimensions. Plastic tarp roofs; junk and materials not commercially used for coops and enclosures are not allowed.

4. The coop and enclosed area shall be maintained in a ventilated, clean, safe and sanitary condition containing adequate space for humane treatment. The coop and enclosed areas shall be maintained in good repair and free of noxious odors.

5. The coop and enclosed area shall be designed and maintained at all times to effectively prohibit accessibility by predators.

6. Coops and enclosed areas shall be located only in the rear yard. Coops and the material establishing the boundaries of the enclosed areas shall meet all rear and side yard setback requirements for accessory structures in accordance with the zoning district in which the property is located. Coops and enclosed areas shall not be visible from adjoining properties at ground level or from any street, public or private through the proper use of fencing, walls, berms, or densely planted vegetation, or any combination thereof.

a. If vegetation is used, it shall be planted in a designated buffer strip at least 3 feet in width along the side and rear property lines, and across the side yards to obscure visibility from the street. Said area shall be so designed and planted as to be one hundred percent (100%) opaque when viewed horizontally by a person standing at ground level, at a height no less than 6 feet from ground level, at the time of planting. Existing vegetation, alone or in combination with a fence or wall, that achieves the vegetative opacity and minimum height requirements set forth herein, may be approved by the Planning Director in lieu of the minimum buffer width standards.

b. An opaque fence or wall no less than 6 feet in height, surrounding the rear yard, may also serve to create an enclosed area for domestic fowl. Fence and wall construction shall meet all standards pursuant to the City's fence standards and shall be permitted separately. Fences and walls used in this manner may be located on the property line.

7. Any manure or waste shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent offensive smells or conditions conducive to disease.

8. Food for domestic fowl shall be stored in a container which is kept dry and sanitary and in a rodent-, insect- and leak-proof condition at all times.

9. No person shall keep domestic fowl in a manner so as to create a nuisance as defined in Chapter 220, Nuisances, of the City Code.

10. The keeping of domestic fowl pursuant to a permit issued under this Section shall comply with all ordinances of the City.

11. By applying for a permit under this Section, the property owner authorizes City officials, at all reasonable times and in a reasonable manner, to enter upon and inspect the property with respect to which the permit is applied for to determine whether the keeping of domestic fowl violates this Section or any other applicable ordinances.

D. Revocation of Permits to Keep Domestic Fowl.

1. In addition to any other penalty provided by law for violation of this Section or any other provision of this Code of Ordinances, if the holder of a permit allows any nuisance or unsanitary condition to exist upon the premises, or any violation of this Section, any of the conditions or performance standards provided herein, or other applicable laws, to

exist after notice of violation from the City, then such permit for domestic fowl may be disciplined or revoked after hearing, upon determination by the City Manager or designee that such domestic fowl is being maintained in an unsanitary condition, or in violation of this Section, any of the conditions or performance standards provided herein, or other applicable laws. All domestic fowl must be disposed of or removed from the City no more than 10 days following receipt of notice of revocation after hearing from the City.

2. Any applicant or permit holder aggrieved by a decision of (a) the Planning and Development Services Department in regard to issuance of a permit or (b) the City Manager or designee in regard to discipline or revocation of a permit may appeal the decision to the City Manager within five (5) business days of said decision by filing a written request for reconsideration and appeal setting forth in a thorough and concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The City Manager may consider the appeal on the record of the prior decision or may, at the Manager's sole discretion, receive additional evidence in such manner as deemed appropriate in light of the circumstances.

Section 2:

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Clayton upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 4.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 13th day of October, 2015.

Mayor

Attest:

City Clerk